

In the United States District Court  
For the Northern District of Texas  
Dallas Division

Christopher Haidet	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:20-cv-03697-X
	§	
Redaptive, Inc. d/b/a Redaptive	§	
Services, LLC	§	
	§	
Defendant.		

**Plaintiff's Response to Defendant's Motion to Dismiss or,  
In the Alternative, Stay and Compel Arbitration**

Plaintiff Christopher Haidet files his Response to Defendant's Motion to Dismiss or, in the alternative, to Stay and Compel Arbitration and states:

Plaintiff does not oppose Defendant's Motion to Stay and Compel Arbitration.

Haidet signed the offer letter attached to Defendant's Motion that contains the arbitration clause. Haidet does not oppose having his claims compelled to arbitration.

However, Haidet requests this Court stay the lawsuit and administratively close it pending the arbitration instead of dismissing it. The court has discretion to stay the case pending arbitration instead of dismissing it. *Bank of Am., N.A. v. Scott*, 3:08-CV-1935-L, 2009 WL 700997 (N.D. Tex. Mar. 16, 2009). *See also* 9 U.S.C. § 3; *Alford v. Dean Witter Reynolds, Inc.*, 975 F.2d 1161, 1164 (5<sup>th</sup> Cir. 1992).

Plaintiff's counsel, Karen Fitzgerald, and Defendant's counsel Keith Clouse conferred regarding the motion. Plaintiff's counsel advised Defendant's counsel that Haidet would seek a stay of this lawsuit while the arbitration was pending if the parties needed to seek court intervention during the arbitration process.

Clouse advised Plaintiff's counsel he did not oppose a stay of the lawsuit pending the arbitration.

In these circumstances, where Plaintiff's request for a stay is not opposed by the Defendant seeking to compel arbitration, the Court may exercise its discretion to stay the lawsuit and administratively close it pending arbitration. *Bank of America* at \*2, citing *Fedmet Corp. v. M/V BUYALYK*, 194 F.3d 674, 675 (5th Cir. 1999).

Wherefore, Plaintiff Christopher Haidet requests that the Court stay this lawsuit and administratively close it pending arbitration of the claims and for such other and further relief to which Plaintiff is justly entitled.

Respectfully submitted,

/s/ Karen K. Fitzgerald

Karen K. Fitzgerald

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Counsel for Plaintiff

### Certificate of Service

The undersigned certifies that a copy of this document was filed with the Court and served electronically through the CM-ECF system on the following counsel on February 2, 2021:

Keith Clouse  
Camille Avant  
Clouse Brown PLLC  
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/s/ Karen K Fitzgerald  
Karen K. Fitzgerald